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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 WALTER J. BARBEE,

7 Petitioner,

8 v.

9 RON VAN BOENING,

10 Respondent.

No. C09-5667 RJB/KLS

ORDER FOR SERVICE AND
RETURN § 2254 PETITION

11
12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of
13 The Petition (Dkt. 3) and Amended Petition (face page only) (Dkt. 5), of all documents in
14 support thereof, and of this Order. All costs of service shall be advanced by the United States.
15 The Clerk shall assemble the necessary documents to effect service. The Clerk shall send
16 Petitioner a copy of this Order, and the General Order. The Clerk will also send a courtesy copy
17 of the Petition to the Pierce County Prosecutor's Office.
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19 (2) Within forty-five (45) days after such service, Respondent shall file and serve an
20 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
21 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted
22 available state remedies, whether an evidentiary hearing is necessary, and whether there is any
23 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of
24 an answer without first showing cause as to why an answer is inadequate. Respondent shall file
25 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.
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(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed, Petitioner may file and serve a response not later than on the Monday immediately preceding the Friday appointed for consideration of the matter, and Respondent may file and serve a reply brief not later than the Friday designated for consideration of the matter.

DATED this 18th day of December, 2009.


Karen L. Strombom
United States Magistrate Judge